

(H.B. 4752)

(No. 219)

(Approved August 20, 2004)

AN ACT

To establish the public policy of the Commonwealth of Puerto Rico for reducing the digital gap; create the “Technology within Your Reach” Project to provide the Special Communities with computer equipment and programs to be used by the constituents of said communities so they may have access to information technology; authorize the transfer of computer equipment and programs; establish the applicable regulations and the responsibilities of the Office of the General Coordinator for Socio-Economic Financing and Self-Management of the Special Communities in relation to the Project; appropriate funds from the Improvements Fund for Fiscal Year 2004; provide for the recurrent transfer of funds for three (3) consecutive fiscal years as of the date of approval of this Act from the Reserve Fund established by the “Telecommunications Regulatory Board;” establish the use of the appropriated funds; authorize donations and interagency agreements; and for other purposes.

STATEMENT OF MOTIVES

The revolution in the field of information technology has brought about important changes in present society. Besides making feasible the efficient communications between individuals, it also opens a world of possibilities for those who have access to such technologies. The access is frequently conditioned by socioeconomic factors. The so-called “digital gap” is nothing more than the inequality concerning the possibilities to access information, knowledge and educational materials through the new information technologies, thus distancing those who use said technologies

routinely from those who have no access to the same or who simply do not know how to use them. In view of this fact, the Government of the Commonwealth of Puerto Rico wishes to establish a public policy through which it would be possible to take advantage of said technological transformations as instruments for development and social change.

In matters of information technology, the Government of the Commonwealth of Puerto Rico has established an ambitious agenda to strengthen the infrastructure of the information systems and telecommunications and to incorporate such technology to the government services and programs. Furthermore, Act No. 1 of March 1, 2001, as amended, the "Puerto Rico Special Communities Integral Development Act," was promulgated in order to promote the development of marginalized communities that exist in poverty pockets throughout our Island so that the capacity and willingness to work of the constituents of said communities may be part of the solution to their problems. It is imperative that said special communities be provided with the tools needed to effectively take advantage of the benefits to be obtained from the incorporation of information technologies to government services and from the acquisition of information and knowledge. The present Act therefore intends to establish a mechanism for providing said tools through an interdisciplinary approach.

This mechanism consists of making available to those Special Communities which have the necessary facilities and an adequate organizational structure, computer equipment that could be connected to the Internet to be used by the constituents of said communities. According to the principles of community self-management and empowerment established in the aforementioned "Puerto Rico Special Communities Integral Development Act," the computer equipment would be transferred to the

receiving community, which would then be responsible for ensuring the proper use of the resources in order to promote its development.

To achieve those ends, this Act hereby appropriates to the Office of the General Coordinator for Socio-Economic Financing and Self-Management the amount of two million (2,000,000) dollars from the Public Improvements Fund for Fiscal year 2004. It also provides for the transfer of three hundred thousand (300,000) dollars from the Reserve Fund established by the "Telecommunications Regulatory Board." Said appropriation shall be of a recurrent nature for three (3) consecutive fiscal years as of the date of approval of this measure. These funds shall be used to purchase, maintain and service computer equipment with the prior advice of the Office of Management and Budget and after compliance with the applicable provisions of the General Services Administration and be destined for the special communities that meet the criteria established by the Office of the General Coordinator for Socio-Economic Financing and Self-Management. Once a community qualifies, the computer equipment shall be officially transferred to the Community Board to be used by the constituents of the community in question.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.-Title.

This Act shall be known as the "Digital Gap Reducing Act."

Section 2.-Public Policy of the Commonwealth of Puerto Rico for reducing the digital gap.

It shall be the public policy of the Commonwealth of Puerto Rico to reduce, through concerted multi-agency efforts, the inequality concerning the possibilities to access information, knowledge and educational materials through the new information technologies, as well as to promote taking

advantage of said technological transformations as instruments for development and social change.

This public policy shall be implemented pursuant to the postulates of Act No. 1 of March 2001, known as the "Puerto Rico Special Communities Integral Development Act."

Section 3.-"Technology within Your Reach" Project.

A "Technology within Your Reach" Project is hereby created for the purpose of promoting the use of and access to information technologies as tools for reducing the social and economic gap which separates the various sectors of our society. With this Project, the Government of the Commonwealth of Puerto Rico, through an interdisciplinary approach, shall act as enabler, facilitator and collaborator in the task of eliminating the technological barriers that keep the Special Communities in isolation. To such effects, the Office of the General Coordinator for Socio-Economic Financing and Self-Management shall provide the Special Communities with an adequate organizational structure with computer equipment that could be connected to the Internet for the use of the constituents of the community.

Section 4.-Transfer of Computer Equipment to the Special Communities.

The Office of the General Coordinator for Socio-Economic Financing and Self-Management is hereby authorized by the present Act to carry out the transfer of computer equipment to the Special Communities denominated as such in Act No. 1 of March 1, 2001, as amended, the "Puerto Rico Special Communities Integral Development Act." The transfer of said equipment shall be carried out according to the applicable standards of the General Services Administration.

The Office of the General Coordinator for Socio-Economic Financing and Self-Management shall determine, through Regulations, all matters concerning the transfer of equipment and the minimum requirements which the Special Communities must meet so as to officially receive the transfer of the property. The Regulations shall establish the guidelines needed to ensure that the benefited Special Communities possess the fiscal and human resources needed to properly operate the equipment that has been transferred. According to the principle of self-management, said Regulations shall establish the mechanisms that will allow the Special Communities to generate the income needed to contribute to defraying the costs for the maintenance and service of said equipment so as to provide continuity to the “Technology within Your Reach” Project.” It shall be an indispensable requirement to comply with said guidelines so that the Special Communities may participate in the Project.

Section 5.-Responsibilities of the Office of the General Coordinator for Socio-Economic Financing and Self-Management.

The Office of the General Coordinator for Socio-Economic Financing and Self-Management shall be responsible for ensuring the good use of the public funds devoted to this Project and compliance with the provisions of this Act and with the applicable regulations and thus it shall require that the benefited Special Communities establish certain control mechanisms that guarantee the good use of the public assets transferred. To such effects, the Regulations promulgated pursuant to this Act shall include provisions related to the use of the equipment, the hour by schedule of the facilities where the equipment is located, the minimum physical security measures and guarantee of access to said facilities, among other matters. For the purposes of this Act, the precepts contained in Act No. 267 of August 31,

2000, known as the “Act for the protection of boys, girls and youths in the use and management of the Internet,” shall apply to the Special Communities benefited by the provisions of said Act. It shall be the duty of the Office of the General Coordinator for Socio-Economic Financing and Self-Management to give orientation to the benefited Special Communities regarding the contents of Act No. 267, supra.

The Office of the General Coordinator for Socio-Economic Financing and Self-Management shall transact the administrative transfer of the property according to the applicable standards.

Section 6.-Responsibilities of the Special Communities.

According to the principle of self-management, the Special Communities benefited by the present Act shall be responsible for the proper use of the resources provided and for guaranteeing free access to computer equipment. Said Special Communities shall be bound to comply with the standards issued by the Office of the General Coordinator for Socio-Economic Financing and Self-Management through Regulations.

Section 7.-Transfer of Funds.

The amount of two million (2,000,000) dollars is hereby reassigned to the Office of the General Coordinator for Socio-Economic Financing and Self-Management from the Public Improvements Fund for Fiscal Year 2004, corresponding to Joint Resolution No. 1244 of September 9, 2003, to be used as provided in this Act. Likewise, the annual transfer of three hundred thousand (300,000) dollars from the Reserve Fund established by the Telecommunications Regulatory Board is hereby provided; said appropriation shall be of a concurrent nature as of the date of approval of this Act. Said appropriation shall be for three (3) consecutive fiscal years as of the date of approval of this Act. After this term has elapsed, an

appropriation of additional resources shall be evaluated in order to comply with the purposes herein provided. Said funds shall be destined for the "Technology within Your Reach" Project, created pursuant to this Act, and shall be covered into the Fund for the Socio-Economic Development of the Special Communities of Puerto Rico.

Section 8.-Use of the appropriated funds.

The funds transferred to the Office of the General Coordinator for Socio-Economic Financing and Self-Management through the present Act shall be used for the following purposes:

a- To purchase computer equipment, furniture and programs to be used at the Special Communities, with the prior advise of the Office of Management and Budget.

b- To collaborate with the furnishing of centers devoted to computers that may be connected to the Internet, to wit, the installation of proper connections and security measures such as wrought iron grilles, etc.

c- The maintenance and servicing of said equipment.

Section 9.-Donations.

Pursuant to Section 6 of the "Puerto Rico Special Communities Integral Development Act," which creates the Fund for the Socio-Economic Development of the Special Communities of Puerto Rico, the Office of the General Coordinator for Socio-Economic Financing and Self-Management is hereby authorized to accept, on behalf of the Commonwealth of Puerto Rico, all those money contributions or other donations proceeding from private citizens and enterprises that are needed and convenient for the purposes expressed in the present Act.

Section 10.-Interagency Agreements.

The Office of the General Coordinator for Socio-Economic Financing and Self-Management is hereby authorized to enter into interagency agreements in order to promote that the aid available in the agencies, instrumentalities and municipalities of the local and the federal governments consonant with the purposes of this Act may be advantageously used by the Special Communities.

Section 11.-Effectiveness.

This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 219 (H.B. 4752) of the 7th Session of the 14th Legislature of Puerto Rico:

AN ACT to establish the public policy of the Commonwealth of Puerto Rico for reducing the digital gap; create the “Technology within Your Reach” Project to provide the Special Communities with computer equipment and programs to be used by the constituents of said communities so they may have access to information technology; authorize the transfer of computer equipment and programs; etc.,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 30th of August of 2005.

Francisco J. Domenech
Director